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Art Unit 2663____

July 17, 2003

JUL 2 1 2003
Tecrinology Center 2600 WRITER'S DIRECT NUMBER: **INTERNET ADDRESS:** TFIALA@SKGF.COM

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Patent Application

Appl. No. 09/748,741; Filed: December 26, 2000

Method For Opening A Proprietary MAC Protocol In A Non-DOCSIS Modem Compatibly With A DOCSIS Modem

Inventor(s):

LIMB et al.

Our Ref:

1875.0830001

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Supplemental Information Disclosure Statement;
- 2. Form PTO-1449 listing **THREE** (3) documents (1 page);
- 3. Copies of the THREE (3) cited document(s) as listed on Form PTO-1449; and
- 4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skqf.com

Commissioner for Patents July 17, 2003 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Thomas C. Fiala

Attorney for Applicant Registration No. 43,610

TCF/mjg Enclosures SKGF_DC1:156170.1



Technology Center 2003 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Limb et al.

Appl. No. 09/748,741

Filed: December 26, 2000

For:

Method for Opening a

Proprietary MAC Protocol in a Non-DOCSIS Modem Compatibly

with a DOCSIS Modem

Confirmation No. 4263

Art Unit: 2663

Examiner: To Be Assigned

Atty. Docket: 1875.0830001

Supplemental Information Disclosure Statement

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- □ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.
- □ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - □ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more

than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

□ c.	Attached is our PTO-2038 Credit Card Payment Form [OR] Check No
	in the amount of \$ in payment of the fee under 37
	C.F.R. § 1.17(p).

- □ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. ______ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - □ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - □ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- □ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:

□ 7.	Copies of the documents were cited by or submitted to the Office in an IDS to	hat
	complies with 37 C.F.R. § 1.98(a)-(c) in Application No, fi	led
	, which is relied upon for an earlier filing date under 35 U.S.	.C.
	§ 120. Thus, copies of these documents are not attached. 37 C.F.	.R.
	§ 1.98(d).	

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Thomas C. Fiala

Attorney for Applicants Registration No. 43,610

Date: 7/17/03

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